IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER,

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10207 of 2004

Between:

Poosa Laxmaiah, S/O Poosa Pentaiah,
R/o. H.No.8-1-106/1, Shaikpet Village, shaikpet Mandal, Hyderabad.

..... PETITIONER

AND

1. The Commissioner of Police, Basheerabad, Hyderabad.
2. The Assistant Commissioner of Police, Banajarahills, Hyderab
3. The Inspector of Police, Banjarahills, Hyderabad.
4. 4. Mr.Mirz Yaseen Ali Baigh S/o. Hadi Ali Baig,
   R/o. 8-1-523/D/1 and 2 Hakeempet, Shaikpet, Hyderabad.
5. Mr.Jaber Patel Saber Patel
   R/o. 9-4-131/1/c/12, Nadeem Colony, Toliki Chowki, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not registering the crime and investigating into the complaint Dt.8.6.2004 lodged by the petitioner being illegal arbitrary and violative of Art.14 of the Constitution of India apart for being violative of Principles of natural Justice and consequently direct the 3rd respondent to register the crime and investigate into the complaint.

Counsel for the Petitioner :MR.A.RAVINDER REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR HOME

Counsel for the Respondent Nos.4 & 5 : K.RAMAKANTH REDDY

The Court made the following :

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 to 3 in not registering the crime and investigating into the complaint dated 08.06.2004 lodged by the petitioner, is arbitrary and illegal.

It is stated that the father of the petitioner was the protected tenant in respect of the land situated in S.Nos.86, 88, 89 and 90 of Hakeempet Village, Shaikpet Mandal, Hyderabad. It is alleged that since the land grabbers, led by respondents 4 and 5, have made an attempt to encroach into the said land unauthorisedly, the petitioner lodged a complaint with the third respondent. However, the third respondent failed to register any crime and no action has been taken. Hence this writ petition.

In the counter-affidavit filed on behalf of the respondents 1 to 3, it is stated that the petitioner, at no point of time, approached the respondent police station and he never filed any complaint against the respondents 4 and 5 or any other person. It is also stated that a case in Crime No.224 of 2004 under Section 448 of Indian Penal Code was registered on the file of Banjarahills police station against the 4th respondent, basing on the complaint of one Poosa Muthyalu, and the same was closed as the matter was civil in nature, after due investigation. It is further stated that the petitioner made a representation on 08.06.2004 addressed to the Minister for Home and marking copies to various authorities, including the Commissioner of Police, Hyderabad. On receipt of the same, the Inspector of Police, Banjarahills has made necessary enquiries and found that the allegations made by the petitioner are false. During the said enquiry, it was also revealed that there are civil disputes between the petitioner and the respondents 4 and 5. It is also stated that in the said representation dated 08.06.2004, the petitioner never referred to the earlier alleged complaint lodged by him. Thus it is pleaded that the allegations of the petitioner are false and without any basis and therefore, the petitioner cannot be granted any relief.

Having heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and keeping in view the unrebutted averments made by the respondents 1 and 2 in the counter-affidavit, I do not find any merit in the writ petition. The allegation of alleged inaction on the part of the respondents, made by the petitioner, is not substantiated by any material.

Accordingly, recording the statement of the respondents, the Writ petition is closed. No costs.

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02-11-2004

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To

1. The Commissioner of Police, Basheerabad, Hyderabad.
2. The Assistant Commissioner of Police, Banajarahills, Hyderab
3. The Inspector of Police, Banjarahills, Hyderabad.

4. Two C.Cs tothe G.P. for Home, High Court Buildings, Hyderabad. (OUT).

5. Two C.D. copies.